

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
v. ) CASE NO. 04-mj-686 KPN  
Mister Smith )  
Defendant. )  
  
MICHAEL J. SULLIVAN  
U.S. ATTORNEY  
DISTRICT OF MASSACHUSETTS  
FILED OFFICE  
12/27/04 P 12:22

GOVERNMENT'S MOTION TO DISMISS  
CRIMINAL COMPLAINT AND ARREST WARRANT

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves to dismiss the criminal complaint and the arrest warrant issued by this Court on December 27, 2004. In support of this motion the government states:

1. On December 27, 2004, this Court issued a complaint charging Mister Smith ("Smith") with moving and traveling in interstate and foreign commerce with intent to avoid prosecution for a felony offense in Massachusetts, in violation of 18 U.S.C. § 1073. An arrest warrant was issued the same day.
2. Smith has since been arrested in the State of Pennsylvania, and returned to Massachusetts.
3. In light of Smith's arrest and return to Massachusetts to face prosecution on state charges, there is no need for the pending criminal complaint and arrest warrant in this Court.

WHEREFORE, the government respectfully requests that the Court dismiss the criminal complaint and arrest warrant issued on

December 27, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

by:

  
Paul Hart Smyth  
Assistant U.S. Attorney

Dated: February 7, 2005